

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EVA LEE,

Plaintiff,

vs.

NYP HOLDING INC and RAYMOND
WALSH, JR., an individual,

Defendants.
-----X

December 20, 2007

10:14 a.m.

Deposition of RAYMOND E. WALSH,
held at the offices of Jones Day, 221
East 41st Street, New York, New York,
pursuant to Notice, before Theresa
Tramondo, a Notary Public of the State of
New York.



David Feldman
Worldwide

<p>1 Walsh</p> <p>2 A. November of 1997.</p> <p>3 Q. Who gave you that promotion?</p> <p>4 A. John Amann.</p> <p>5 Q. What is John Amann's position at</p> <p>6 the Post?</p> <p>7 A. He no longer works there.</p> <p>8 Q. At that time what was his position?</p> <p>9 A. He was the -- I can't remember.</p> <p>10 Q. Was he part of HR?</p> <p>11 A. No.</p> <p>12 Q. Was he the head of the facility at</p> <p>13 that time?</p> <p>14 A. I don't know.</p> <p>15 Q. You don't know. Where is the</p> <p>16 facility located that you work as a press</p> <p>17 room superintendent?</p> <p>18 A. 900 East 132nd Street.</p> <p>19 Q. Where is that?</p> <p>20 A. Bronx.</p> <p>21 Q. How long has the facility been</p> <p>22 there?</p> <p>23 A. February of 2001.</p> <p>24 Q. And previously where was the</p> <p>25 facility located?</p>	<p>31 Walsh</p> <p>1 department runs as smooth as possible.</p> <p>2 Q. Who do you supervise?</p> <p>3 A. Roughly 115 people.</p> <p>4 Q. What type of positions do these 115</p> <p>5 people have?</p> <p>6 A. They range from foreman to</p> <p>7 journeyman to flyboys to casuals.</p> <p>8 Q. How many individuals work in the</p> <p>9 press room?</p> <p>10 A. On a day?</p> <p>11 A. On a day.</p> <p>12 A. That depends.</p> <p>13 Q. What does it depend on?</p> <p>14 A. Depends on the page size and what</p> <p>15 our need figure is as per the collective</p> <p>16 bargaining agreement and the required number</p> <p>17 of people that we would request to work on a</p> <p>18 nightly basis.</p> <p>19 Q. What about on an average day?</p> <p>20 A. Roughly 40 people.</p> <p>21 Q. How do you supervise the employees</p> <p>22 in the press room?</p> <p>23 A. I delegate it to my foremen.</p> <p>24 Q. How many foremen do you have right</p> <p>25</p>
<p>31 Walsh</p> <p>1 A. South Street in Manhattan, lower</p> <p>2 Manhattan.</p> <p>3 Q. What was the reason for the move?</p> <p>4 MS. GOLDSMITH: Objection.</p> <p>5 A. We moved the facility because it</p> <p>6 was an antiquated building and we needed to</p> <p>7 upgrade equipment.</p> <p>8 Q. And did you upgrade your equipment</p> <p>9 when you went to the Bronx facility?</p> <p>10 A. Yes.</p> <p>11 Q. How big is the Bronx facility?</p> <p>12 A. Big.</p> <p>13 Q. How big?</p> <p>14 A. I don't know the square footage.</p> <p>15 Q. How many floors?</p> <p>16 A. Three.</p> <p>17 Q. So it's smaller than this building?</p> <p>18 MS. GOLDSMITH: Objection.</p> <p>19 A. It's an industrial complex.</p> <p>20 Q. Besides what you testified earlier,</p> <p>21 are there any other duties and</p> <p>22 responsibilities being the superintendent of</p> <p>23 the press room?</p> <p>24 A. Just to supervise and make sure my</p> <p>25</p>	<p>33 Walsh</p> <p>1 now?</p> <p>2 A. Twelve.</p> <p>3 Q. What are the names of your foremen?</p> <p>4 A. Do you want all of them now?</p> <p>5 Q. Yes.</p> <p>6 A. I should have brought a priority</p> <p>7 list with me.</p> <p>8 Brian Walsh, Bill Bogan, Tom Carew,</p> <p>9 Tom Scherrer.</p> <p>10 Q. Could you spell that last name,</p> <p>11 please?</p> <p>12 A. S-C-H-E-R-R-E-R.</p> <p>13 Donald Boyle, John Peers, Jack</p> <p>14 Himpler, Jim Wilkinson, Gary Sanderson,</p> <p>15 Constantine Frangoulis, Richard Waldron,</p> <p>16 Steven McNelis, Bill Schmidt.</p> <p>17 Q. Is that it?</p> <p>18 A. (Nodding.)</p> <p>19 Q. What does a foreman do for you?</p> <p>20 A. Foreman is responsible for making</p> <p>21 sure the presses are manned by the collective</p> <p>22 bargaining agreement. They're also</p> <p>23 responsible for supervising their individual</p> <p>24 press that they are assigned to. They're</p> <p>25</p>

<p>34</p> <p>1 Walsh</p> <p>2 also responsible for the accurate press</p> <p>3 reporting and communicating with the</p> <p>4 supportive departments throughout the night's</p> <p>5 production.</p> <p>6 Q. How does one become a foreman?</p> <p>7 A. They become chosen.</p> <p>8 Q. What is the criteria to choose a</p> <p>9 foreman?</p> <p>10 A. Work ethic.</p> <p>11 Q. Work ethic?</p> <p>12 A. (Nodding.) Loyalty.</p> <p>13 Q. Loyalty.</p> <p>14 Does one have to work at the Post</p> <p>15 before obtaining the position of foreman?</p> <p>16 A. Not necessarily.</p> <p>17 Q. So you can hire people from the</p> <p>18 outside the Post, who work outside the Post?</p> <p>19 A. As long as it's with the guidelines</p> <p>20 as of the collective bargaining agreement</p> <p>21 with the pressmen's union.</p> <p>22 Q. You have the power to influence</p> <p>23 hiring decisions?</p> <p>24 MS. GOLDSMITH: Objection.</p> <p>25 Q. As part of your responsibilities</p>	<p>36</p> <p>1 Walsh</p> <p>2 manner. They're responsible for press</p> <p>3 reporting, equipment fault reporting and any</p> <p>4 disciplinary reporting.</p> <p>5 Q. Who is an under a foreman?</p> <p>6 A. Excuse me?</p> <p>7 Q. What position is under the foreman?</p> <p>8 Who does the foreman supervise?</p> <p>9 A. From the PIC's down.</p> <p>10 Q. What is after the PIC?</p> <p>11 A. A journeyman.</p> <p>12 Q. What is a "PIC" again?</p> <p>13 A. Pressman in charge.</p> <p>14 Q. You said a journeyman. What is</p> <p>15 after a journeyman?</p> <p>16 A. A flyboy, junior.</p> <p>17 Q. Then what is before a flyboy?</p> <p>18 A. What's after a flyboy; is that your</p> <p>19 question?</p> <p>20 Q. (Nodding.)</p> <p>21 A. Casual.</p> <p>22 Q. Anything before a casual?</p> <p>23 A. Yes.</p> <p>24 Q. That's the lowest person?</p> <p>25 A. No.</p>
<p>35</p> <p>1 Walsh</p> <p>2 and duties as a press room superintendent, do</p> <p>3 you have any influence in hiring individuals</p> <p>4 to work in the press room?</p> <p>5 A. What kind of individuals?</p> <p>6 Q. Casuals.</p> <p>7 A. Yes.</p> <p>8 Q. Shapers?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have the power to discipline</p> <p>11 these individuals?</p> <p>12 A. Yes.</p> <p>13 Q. What type of discipline?</p> <p>14 A. Depends on the infraction.</p> <p>15 Q. Besides the 12 foremen that you</p> <p>16 previously testified, can you explain the</p> <p>17 chain of the command in the press room</p> <p>18 starting with the top to the bottom of the</p> <p>19 positions?</p> <p>20 A. Each individual foreman is</p> <p>21 responsible for their press reporting,</p> <p>22 communicating with other departments, making</p> <p>23 sure the flow of production is as smooth as</p> <p>24 possible, so they get out the door as fast as</p> <p>25 possible, so the paper gets out on a timely</p>	<p>37</p> <p>1 Walsh</p> <p>2 Q. Who is the lowest person?</p> <p>3 A. A provisional.</p> <p>4 Q. What is a "provisional shaper"?</p> <p>5 A. A "provisional shaper" is someone</p> <p>6 who comes in off the street and is looking</p> <p>7 for a day's pay.</p> <p>8 Q. How does one become a provisional</p> <p>9 shaper?</p> <p>10 A. They walk in the door.</p> <p>11 Q. Who do they speak to when they walk</p> <p>12 in the door?</p> <p>13 A. They sign a provisional sign-in</p> <p>14 sheet.</p> <p>15 Q. Who is in charge of the sign-in</p> <p>16 sheet?</p> <p>17 A. The foreman.</p> <p>18 Q. The foreman at that given time?</p> <p>19 A. Yes.</p> <p>20 Q. What does a provisional shaper do?</p> <p>21 A. Shapes.</p> <p>22 Q. What type of responsibilities or</p> <p>23 duties would they do when they shape?</p> <p>24 A. They just sign their name.</p> <p>25 Q. And they just hang out?</p>

38	40
<p>1 Walsh</p> <p>2 A. Yes.</p> <p>3 Q. What do they exactly do to assist</p> <p>4 in the press room?</p> <p>5 A. If there is a need for a</p> <p>6 provisional, if we get that short-staffed, we</p> <p>7 have a whole series of procedures that we do</p> <p>8 prior to getting to a provisional.</p> <p>9 Q. Have you ever been involved in</p> <p>10 hiring a provisional shaper?</p> <p>11 A. Yes.</p> <p>12 Q. How?</p> <p>13 A. I don't understand the question.</p> <p>14 Q. Do you have influence in hiring the</p> <p>15 provisional shaper, you said?</p> <p>16 A. Yes.</p> <p>17 Q. What type of influence do you have?</p> <p>18 A. All of my foremen and myself</p> <p>19 discuss the hiring of outside provisionals</p> <p>20 and casuals.</p> <p>21 Q. What do you talk about?</p> <p>22 A. Their work ethic.</p> <p>23 Q. Is there anything else?</p> <p>24 A. (Nodding.) No.</p> <p>25 Q. Just their work ethic?</p>	<p>1 Walsh</p> <p>2 Q. Who pays these individuals?</p> <p>3 A. The New York Post.</p> <p>4 Q. Are you the person in charge of</p> <p>5 these provisional shapers, the head person?</p> <p>6 MS. GOLDSMITH: Objection.</p> <p>7 A. No.</p> <p>8 Q. Who is?</p> <p>9 A. The company.</p> <p>10 Q. Who in the company?</p> <p>11 A. Repeat the question.</p> <p>12 Q. Who in the company is?</p> <p>13 A. There are a few individuals.</p> <p>14 Q. What individuals?</p> <p>15 A. Legal counsel.</p> <p>16 Q. Anyone else?</p> <p>17 A. And my boss.</p> <p>18 Q. Previously you testified that right</p> <p>19 now there are 12 foremen in the press room.</p> <p>20 Are they all men?</p> <p>21 A. Yes.</p> <p>22 Q. To the best of your knowledge how</p> <p>23 many shapers are there at a given time in the</p> <p>24 press room --</p> <p>25 MS. GOLDSMITH: Objection.</p>
39	41
<p>1 Walsh</p> <p>2 MS. GOLDSMITH: Objection.</p> <p>3 You can answer it if you can.</p> <p>4 THE WITNESS: What's the question?</p> <p>5 (Record read.)</p> <p>6 A. Yes.</p> <p>7 Q. Do you know if Miss Lee was ever a</p> <p>8 provisional shaper?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know the time period?</p> <p>11 A. Not the specific time period.</p> <p>12 Q. Do you know around when?</p> <p>13 A. 2004.</p> <p>14 Q. And how much does an individual who</p> <p>15 is a provisional shaper make on a given</p> <p>16 shift?</p> <p>17 A. Repeat the question.</p> <p>18 Q. How much money does the provisional</p> <p>19 shaper receive on a given shift?</p> <p>20 A. Then or now?</p> <p>21 Q. Then.</p> <p>22 A. One hundred fifty.</p> <p>23 Q. What about now?</p> <p>24 A. I don't know what the -- I don't</p> <p>25 know what the inflation rate was -- is.</p>	<p>1 Walsh</p> <p>2 Q. -- when needed?</p> <p>3 A. Depends. Depends on the day.</p> <p>4 Q. Why would that be?</p> <p>5 A. Well, it was July 4th weekend, I</p> <p>6 don't think you're going to get many people.</p> <p>7 If it's Super Bowl Sunday and it's snowing</p> <p>8 out, you'll probably get some more.</p> <p>9 Q. To the best of your knowledge, who</p> <p>10 gave Miss Lee the job of shaping?</p> <p>11 MS. GOLDSMITH: Objection.</p> <p>12 A. Miss Lee was a provisional.</p> <p>13 Q. Correct.</p> <p>14 When she came in to sign in as a</p> <p>15 provisional, when she signed her name, do you</p> <p>16 know who she spoke with?</p> <p>17 MS. GOLDSMITH: Objection.</p> <p>18 A. I do not.</p> <p>19 Q. What is a "casual"?</p> <p>20 A. "Casual" is a substitute individual</p> <p>21 who -- if needed would be called to work.</p> <p>22 Q. What type of duties does a casual</p> <p>23 in the press room perform if they're needed?</p> <p>24 A. They would conduct the same duties</p> <p>25 as a flyboy out on the press.</p>

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44

1 Walsh
 2 Q. What type of duties is that?
 3 A. **You want me to repeat all those**
 4 **duties I said before?**
 5 Q. No. You don't have to.
 6 A. **Thank you.**
 7 Q. Is a casual -- have a higher
 8 position than a provisional?
 9 MS. GOLDSMITH: Objection.
 10 A. **Yes, yes.**
 11 Q. Can you explain?
 12 A. **Casual is on a casual sheet.**
 13 Q. What is a "casual sheet"?
 14 A. **Casual sheet is a sheet that has**
 15 **people's names on it, and when the office and**
 16 **the union expire their need of workers, we**
 17 **revert to the casual list.**
 18 Q. So how does one shed their status
 19 as provisional shaper and become a casual?
 20 A. **Can you repeat the question?**
 21 Q. How does one shed their status as a
 22 provisional shaper and become placed on the
 23 press room's casual list?
 24 A. **How do they shed their status?**
 25 Q. Yes.

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45

1 Walsh
 2 A. **What does that mean?**
 3 Q. How does one leave the position as
 4 a provisional shaper and then become on the
 5 press room casual list?
 6 A. **Depending on if we need casuals, we**
 7 **would add them to a casual sheet, elevate**
 8 **them to casual status.**
 9 Q. And what criteria do you use that
 10 you would elevate these provisional shapers
 11 onto the casual list sheet?
 12 A. **Depends if we need to elevate**
 13 **provisionals to casuals.**
 14 Q. The time when you do need to, what
 15 would it be?
 16 A. **Can you repeat that?**
 17 Q. The times that you would need these
 18 individuals on the casual -- I am sorry.
 19 MS. SKIR: Could you read that
 20 back, please.
 21 (Record read.)
 22 A. **We elevate our provisionals to**
 23 **casual status. We have a criteria we use.**
 24 **It's attitude and aptitude criteria.**
 25 Q. Anything else besides attitude and

1 Walsh
 2 aptitude criteria?
 3 A. **Willingness to learn, follow**
 4 **directions, orders, like that.**
 5 Q. Who evaluates these things, these
 6 criteria?
 7 MS. GOLDSMITH: Objection.
 8 Answer it if you understand it.
 9 A. **I don't understand it.**
 10 Q. Who has a say in this criteria in
 11 order to put these individuals on the press
 12 room casual list?
 13 A. **I do.**
 14 Q. Anyone else besides you?
 15 A. **Yes.**
 16 Q. Who is that?
 17 A. **A couple other foremen.**
 18 Q. Which foremen?
 19 A. **My assistant foremen.**
 20 Q. Who is your assistant foremen?
 21 A. **You have a whole list in front of**
 22 **you.**
 23 Q. Of these 12 individuals, who is
 24 your assistant foremen?
 25 A. **Bill Bogan and Brian Walsh.**

1 Walsh
 2 Q. Why are they your assistants and
 3 not the other ten?
 4 A. **Because those two work closely with**
 5 **me and they helped me with a lot of issue at**
 6 **the New York Post.**
 7 Q. What type of issues?
 8 A. **Numerous issues.**
 9 Q. What type of numerous issues?
 10 A. **I can't even go back and tell you.**
 11 **We'd be here for 12 days.**
 12 Q. Do they have more experience than
 13 the other ten individuals on the list that
 14 you gave me?
 15 A. **Yes.**
 16 Q. Have they been there longer?
 17 A. **Yes.**
 18 Q. Is Miss Lee on the press room
 19 casual list?
 20 A. **Yes.**
 21 Q. How did she become a casual in the
 22 press room?
 23 A. **We graded her and she became a**
 24 **casual.**
 25 Q. How did you grade her?

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1 Walsh
2 **A. Through the aptitude and attitude**
3 **process.**
4 Q. Is there a manual that explains the
5 procedures and rules of casuals?
6 **A. I don't follow.**
7 Q. Is there a book that tells about
8 the rules and procedures of staying on the
9 press room casual list and what a casual must
10 do?
11 **A. Yes.**
12 Q. And where is that posted?
13 **A. It's a letter.**
14 Q. It's just a letter?
15 **A. Uh-hmm, yes.**
16 Q. Nothing else?
17 **A. That's it.**
18 Q. That's it. Do casuals receive it?
19 **A. Yes.**
20 Q. How do they receive it?
21 **A. Either by mail or hand delivered.**
22 Q. Are you aware if the plaintiff
23 Miss Lee received it?
24 **A. Yes.**
25 Q. Do you know around what time she

1 Walsh
2 **A. I see it.**
3 Q. Do you recognize this document?
4 **A. Yes.**
5 Q. Are you familiar with it?
6 **A. Yes.**
7 Q. When is it dated?
8 **A. It's dated January 25, 2005.**
9 Q. Who wrote the letter?
10 **A. The person who signed it is Raymond**
11 **Walsh, Jr.**
12 Q. What is the letter?
13 **A. This is a letter notifying an**
14 **individual that they had been placed on the**
15 **casual hiring list with the shape procedures**
16 **numbered below.**
17 Q. Who is it addressed to?
18 **A. Miss Eva Lee.**
19 Q. Are you aware what the mode of
20 delivery was?
21 **A. The "mode of delivery," meaning how**
22 **it was delivered?**
23 Q. Yes.
24 **A. I don't know if it was delivered by**
25 **mail or hand delivered. Don't know.**

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49

1 Walsh
2 received it?
3 **A. I believe it was in the early**
4 **January of '05.**
5 Q. Who sends the rules and procedures
6 to the casuals?
7 **A. I do.**
8 Q. What are the procedures and rules?
9 **A. I don't know them off the top of my**
10 **head right now.**
11 Q. Can you explain the placement of
12 the rules?
13 MS. GOLDSMITH: Objection.
14 Q. I am going to show you what has
15 been Bates stamped NYP 0048 -- I am sorry. I
16 withdraw the last question.
17 MS. SKIR: Please mark this as
18 Plaintiff's Exhibit 1.
19 (Plaintiff's Exhibit 1, letter
20 dated January 25, 2005, marked for
21 identification, as of this date.)
22 Q. The reporter has just handed you
23 what has been marked as Exhibit 1 for
24 identification purposes. Please review the
25 document, Mr. Walsh.

1 Walsh
2 Q. Are you aware if she received it?
3 **A. Yes.**
4 Q. How do you know?
5 **A. Because she's on the list.**
6 Q. Now, after reviewing this document,
7 do you know what the shape procedures are?
8 **A. Yes.**
9 Q. Can you explain them to me?
10 **A. One through eight?**
11 Q. Sure.
12 **A. Would you like me to read them.**
13 Q. No. Just could you summarize them
14 for me?
15 **A. It states what some of the**
16 **procedures are. You know, you have to shape**
17 **five nights a week, Saturdays and Sundays are**
18 **required, all other nights are optional. And**
19 **then it talks about there will be no shape --**
20 **day-side shape, and it's specifies how a**
21 **person gets called for work in the order --**
22 **you know, the one through five, and blah,**
23 **blah, blah, all that stuff. And then it**
24 **talks about how the provisional shapers would**
25 **be hired after the casuals. It talks about**

<p>50</p> <p>1 Walsh</p> <p>2 any excused absences from the foremen's</p> <p>3 approval, the company periodically evaluates</p> <p>4 the performance of casuals, failing to meet</p> <p>5 the shape requirements result in being</p> <p>6 removed from the list. It tells them that</p> <p>7 they're on a probationary period, you know,</p> <p>8 whatever, probationary employees. And it</p> <p>9 also says the company reserves right to add,</p> <p>10 change or delete any of the procedures,</p> <p>11 requirements or rules set forth. And then it</p> <p>12 just says you're shaping record will be</p> <p>13 revised periodically. And then it says "Ray</p> <p>14 Walsh, Jr." on it.</p> <p>15 Q. Besides this document are there any</p> <p>16 other documents that explain shape</p> <p>17 procedures?</p> <p>18 A. No.</p> <p>19 Q. How do you have a --</p> <p>20 Is there a formal review of these</p> <p>21 casuals?</p> <p>22 MS. GOLDSMITH: Objection.</p> <p>23 Q. Do you formally review casuals on a</p> <p>24 daily basis?</p> <p>25 A. No.</p>	<p>52</p> <p>1 Walsh</p> <p>2 Q. Are you aware -- how long has</p> <p>3 Miss Lee been on the casual list?</p> <p>4 A. I don't know the specific time</p> <p>5 period.</p> <p>6 Q. Is it safe to say, that this letter</p> <p>7 was written on January 25, 2005, that she has</p> <p>8 been on the casual list for a little less</p> <p>9 than three years?</p> <p>10 A. That's fair.</p> <p>11 Q. Are there any females besides</p> <p>12 Miss Lee on the casual list?</p> <p>13 A. No, I don't think so.</p> <p>14 Q. Are you aware of what her number is</p> <p>15 on the casual list?</p> <p>16 A. Yes.</p> <p>17 Q. What is that?</p> <p>18 A. Number 11.</p> <p>19 Q. Number 11.</p> <p>20 How many casuals are there right</p> <p>21 now on the list?</p> <p>22 A. Eleven.</p> <p>23 Q. There are 11?</p> <p>24 A. Yes.</p> <p>25 MS. GOLDSMITH: Could we go off</p>
<p>51</p> <p>1 Walsh</p> <p>2 Q. You don't.</p> <p>3 Who reviews their competence, their</p> <p>4 competence?</p> <p>5 A. Foremen.</p> <p>6 Q. The foremen?</p> <p>7 A. Yes.</p> <p>8 Q. Do you have any input on that?</p> <p>9 A. Yes.</p> <p>10 Q. What type of input?</p> <p>11 A. Feedback.</p> <p>12 Q. What type of feedback?</p> <p>13 A. From my foremen.</p> <p>14 Q. Is this documented?</p> <p>15 A. No.</p> <p>16 Q. So it's just you talk about it</p> <p>17 orally and there is no written communication</p> <p>18 about the evaluations of their competence?</p> <p>19 MS. GOLDSMITH: Objection.</p> <p>20 A. Unless there is an infraction</p> <p>21 report.</p> <p>22 Q. Besides the foremen and yourself,</p> <p>23 is there anyone else who evaluates the</p> <p>24 casuals?</p> <p>25 A. No.</p>	<p>53</p> <p>1 Walsh</p> <p>2 the record.</p> <p>3 (Discussion off the record.)</p> <p>4 Q. Were there the 11 casuals at the</p> <p>5 time of 2005, or are there 11 casuals at this</p> <p>6 time in 2007?</p> <p>7 A. 2005.</p> <p>8 Q. How many casuals are on the list</p> <p>9 presently?</p> <p>10 A. Four.</p> <p>11 Q. Previously you testified at some</p> <p>12 point Miss Lee was graded, she was graded?</p> <p>13 MS. GOLDSMITH: Objection.</p> <p>14 Q. Reviewed?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall when she was</p> <p>17 reviewed?</p> <p>18 A. December of '04.</p> <p>19 Q. So that was before she received</p> <p>20 Plaintiff's Exhibit 1?</p> <p>21 A. Yes.</p> <p>22 Q. And who was involved in that</p> <p>23 review?</p> <p>24 A. Myself.</p> <p>25 Q. Anyone else?</p>

<p>1 Walsh</p> <p>2 MR. SACK: Thank you.</p> <p>3 Q. Mr. Walsh, as you sit here today,</p> <p>4 do you know when Phil Anzalone became an</p> <p>5 employee of the Post?</p> <p>6 A. Not off, no.</p> <p>7 Q. Do you happen to have any</p> <p>8 recollection or recall of whether or not</p> <p>9 Mr. Anzalone began to shape before or after</p> <p>10 Miss Lee?</p> <p>11 A. He shaped before Miss Lee.</p> <p>12 Q. How do you know that?</p> <p>13 A. Phil Anzalone is a steady situation</p> <p>14 employee at New York Post.</p> <p>15 Q. Currently, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Isn't it a fact that Miss Lee and</p> <p>18 Mr. Anzalone shaped at the same time?</p> <p>19 A. I don't know.</p> <p>20 Q. Is it possible that Miss Lee</p> <p>21 actually began to shape before Mr. Anzalone?</p> <p>22 A. I don't know.</p> <p>23 Q. Do you know Bill Trank?</p> <p>24 A. Yes.</p> <p>25 Q. Who is he?</p>	<p>1 Walsh</p> <p>2 log all this information?</p> <p>3 A. Yes.</p> <p>4 Q. So the actual shaper him or herself</p> <p>5 doesn't actually sign the sheet?</p> <p>6 A. Yes, they have to sign the sheet.</p> <p>7 Q. What information is asked for on</p> <p>8 the sign-in sheet besides the signature of</p> <p>9 the shaper?</p> <p>10 A. Well, you have the casual sheet,</p> <p>11 the shape sheet, and then you have your name</p> <p>12 on it, print, you know -- and then you have a</p> <p>13 sign and then signature, and you know, your</p> <p>14 phone number, things like that.</p> <p>15 Q. Is there a time-in, time-out box or</p> <p>16 slot?</p> <p>17 A. No, there is no time-in.</p> <p>18 Q. Now, who decides which provisional</p> <p>19 receives an opportunity to work?</p> <p>20 A. It's random.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. We pick and choose.</p> <p>23 MS. GOLDSMITH: Who decides?</p> <p>24 I am sorry.</p> <p>25 THE WITNESS: The foremen.</p>
<p>1 Walsh</p> <p>2 A. He's a junior.</p> <p>3 Q. The same as Mr. Anzalone?</p> <p>4 A. Correct.</p> <p>5 Q. Do you recall when he began to</p> <p>6 shape as a provisional?</p> <p>7 A. I don't know the specific date.</p> <p>8 Q. Are there any documents maintained</p> <p>9 by the Post that would bear this information?</p> <p>10 A. Yes.</p> <p>11 Q. What documents are those?</p> <p>12 A. Shape records.</p> <p>13 Q. When you say "shape records," what</p> <p>14 exactly are you referring to?</p> <p>15 A. These documents here and the other</p> <p>16 documents when you sign in.</p> <p>17 Q. So Plaintiff's 2 and the</p> <p>18 handwritten notes that are taken by foremen</p> <p>19 at the shape?</p> <p>20 A. It's the casual sign-in sheet.</p> <p>21 Q. Those documents would show when, in</p> <p>22 fact, someone would come and appear at the</p> <p>23 shape?</p> <p>24 A. Yes.</p> <p>25 Q. Is it your testimony that foremen</p>	<p>1 Walsh</p> <p>2 MS. GOLDSMITH: Who decides?</p> <p>3 THE WITNESS: The foremen.</p> <p>4 Q. All the foremen that you previously</p> <p>5 testified to, they're all white males; is</p> <p>6 that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Brian Walsh, is he related to you?</p> <p>9 A. Yes.</p> <p>10 Q. How is he related to you?</p> <p>11 A. He's my brother.</p> <p>12 Q. Older or younger?</p> <p>13 A. Younger. Yes, younger.</p> <p>14 Q. Now, you said that random foremen</p> <p>15 pick which provisionals work on any given</p> <p>16 shift; is that your testimony?</p> <p>17 A. Yes.</p> <p>18 Q. Have you ever had to make a hiring</p> <p>19 decision in your capacity as superintendent</p> <p>20 in hiring provisionals?</p> <p>21 A. I'm sure at one time I had to.</p> <p>22 Q. Were you ever in charge of making a</p> <p>23 decision as to whether Miss Lee would work as</p> <p>24 a provisional?</p> <p>25 A. I don't recall.</p>

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84

1 **Walsh**
 2 Q. You don't recall whether or not you
 3 specifically either affirmatively or
 4 negatively denied her the opportunity to work
 5 as a provisional?
 6 **A. Can you repeat the question?**
 7 MR. SACK: Please read it back.
 8 (Record read.)
 9 **A. I have affirmatively let her work**
 10 **as a provisional in the press room.**
 11 Q. Approximately how many times?
 12 **A. I wouldn't know.**
 13 Q. When was this, if you can recall?
 14 **A. I don't know offhand, you know.**
 15 Q. What motivated your decision to
 16 hire Miss Lee as a provisional?
 17 **A. We give people chances to prove**
 18 **themselves in the press room.**
 19 Q. And that's why you gave her a
 20 chance to work?
 21 **A. Yes.**
 22 Q. And as a result of you providing
 23 Miss Lee the opportunity to work, what was
 24 your analysis of her job performance as a
 25 provisional?

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85

1 **Walsh**
 2 **A. It was fair.**
 3 Q. And what are you basing that upon?
 4 **A. My 28-years experience in the**
 5 **industry.**
 6 Q. If you had the opportunity to hire
 7 Miss Lee and there was an opening or a need
 8 for her to work on a press tonight, for
 9 example, would you recommend hiring her to
 10 one of the foremen?
 11 **A. Miss Lee is on the casual list.**
 12 Q. What does that mean?
 13 **A. She fits the work, she goes to**
 14 **work.**
 15 Q. Who dictates the order maintained
 16 on the casual list?
 17 **A. That order was dictated due to the**
 18 **criteria ratings.**
 19 Q. Now, these criteria ratings, are
 20 they documented anywhere?
 21 **A. I don't know if I have any. They**
 22 **are submitted to our attorney Elliott.**
 23 Q. So they are documented?
 24 **A. I would assume so.**
 25 Q. Have you ever personally filled out

1 **Walsh**
 2 a grade or evaluation form?
 3 **A. Yes.**
 4 Q. Have you done so for Miss Lee?
 5 **A. Yes.**
 6 Q. Approximately how many times?
 7 **A. Once.**
 8 RQ MR. SACK: We're going to ask for
 9 that document.
 10 MS. GOLDSMITH: We will get you
 11 it.
 12 MR. SACK: Thanks.
 13 Q. That was in December '04,
 14 approximately?
 15 **A. Yes.**
 16 Q. That's the only time Miss Lee's
 17 work performance at that time as a
 18 provisional was evaluated?
 19 MS. GOLDSMITH: Objection. Asked
 20 and answered.
 21 **A. Yes.**
 22 Q. During Miss Lee's appointment to
 23 the casual list, has she ever been the
 24 subject of an evaluation or rating, if you
 25 know?

1 **Walsh**
 2 **A. Just repeat that again, please.**
 3 **(Record read.)**
 4 **A. Not to my knowledge.**
 5 Q. Are casuals subject to any sort of
 6 evaluation when they're on the casual list?
 7 **A. Yes.**
 8 Q. And what is that criteria?
 9 **A. It's in exhibit -- it's this**
 10 **exhibit (indicating).**
 11 Q. It's included in Plaintiff's 1?
 12 **A. I believe so, yes.**
 13 Q. Now, how often are the ratings or
 14 evaluations of casuals conducted?
 15 **A. It depends.**
 16 Q. What does it depend on, sir?
 17 **A. It depends on their work**
 18 **performance.**
 19 Q. What do you mean by that?
 20 **A. If I have a casual that is not**
 21 **performing up to their ability or just**
 22 **falling apart or failing, we need to take a**
 23 **good, hard look at it and see if they're**
 24 **going to cut -- make the cut.**
 25 Q. Conversely, if someone is doing

<p>94</p> <p>1 Walsh</p> <p>2 reason not contrary to the law."</p> <p>3 Q. What is meant by that paragraph?</p> <p>4 A. What is meant by it?</p> <p>5 Q. Yes.</p> <p>6 A. You could probably just take them</p> <p>7 off the list.</p> <p>8 Q. That's what you mean by paragraph</p> <p>9 7?</p> <p>10 A. They're on probation when they get</p> <p>11 on the casual list. They're not performing</p> <p>12 their duties, we have the right to remove</p> <p>13 them from the list.</p> <p>14 Q. Now, if someone is on the casual</p> <p>15 list, and they can't possibly comply with the</p> <p>16 shape procedures due to the fact that they're</p> <p>17 out of the country, for example, what would a</p> <p>18 foreman or you do in determining whether or</p> <p>19 not that person would be disciplined?</p> <p>20 MS. GOLDSMITH: Objection.</p> <p>21 A. I don't know.</p> <p>22 Q. What did you do in those three</p> <p>23 instances that you previously described where</p> <p>24 you had to delist those individuals?</p> <p>25 A. Right.</p>	<p>96</p> <p>1 Walsh</p> <p>2 counsel.</p> <p>3 Q. Have you had to do that in the</p> <p>4 past?</p> <p>5 A. Yes.</p> <p>6 Q. Can you describe those situations?</p> <p>7 A. What time period?</p> <p>8 Q. Within the last five years.</p> <p>9 A. I had an individual who wasn't</p> <p>10 meeting the shape requirements, and I tried</p> <p>11 to reach out and get in contact with him, and</p> <p>12 finally he showed up. I already had a</p> <p>13 letter written up for his removal from the</p> <p>14 list, and he came in and told me his</p> <p>15 hardship. Obviously, the rules stated that</p> <p>16 he would be delisted, but I had spoken to</p> <p>17 counsel regarding --</p> <p>18 MS. GOLDSMITH: I am going to</p> <p>19 advise my client not to discuss his</p> <p>20 discussions with counsel because they're</p> <p>21 privileged.</p> <p>22 A. I had asked counsel --</p> <p>23 MS. GOLDSMITH: Be careful.</p> <p>24 THE WITNESS: I know.</p> <p>25 A. This person had a hardship, and I</p>
<p>95</p> <p>1 Walsh</p> <p>2 Q. What was the protocol?</p> <p>3 A. I just wrote them a letter. I</p> <p>4 wouldn't let them in the building.</p> <p>5 Q. Did you have a meeting with any of</p> <p>6 the foremen about the issues?</p> <p>7 A. No.</p> <p>8 Q. You just made a unilateral decision</p> <p>9 to exclude these three troublemakers?</p> <p>10 A. Yes.</p> <p>11 Q. Hypothetically, if I'm on the</p> <p>12 casual list and I work my butt off and I tell</p> <p>13 you I am going to go out of town for two</p> <p>14 months, and in fact, I don't come back to</p> <p>15 work for two and a half months, what, if</p> <p>16 anything, would you do in that circumstance?</p> <p>17 MS. GOLDSMITH: Objection.</p> <p>18 A. I would reach out see if I could</p> <p>19 get in touch with you.</p> <p>20 Q. And what if you couldn't?</p> <p>21 A. I would see if somebody could get</p> <p>22 in touch with you.</p> <p>23 Q. What if we were unable to discuss</p> <p>24 the situation?</p> <p>25 A. Then I would seek advice from</p>	<p>97</p> <p>1 Walsh</p> <p>2 had felt as though this individual was a good</p> <p>3 worker, he wasn't a troublemaker, I would</p> <p>4 appreciate it if we give an opportunity for</p> <p>5 this person to remain on the list.</p> <p>6 Q. What was done, if anything?</p> <p>7 A. He remained on the list.</p> <p>8 Q. So is it fair to say that there are</p> <p>9 certain exceptions that are made depending on</p> <p>10 the presentation or the facts surrounding why</p> <p>11 that person may not be compliant with the</p> <p>12 shape requirements?</p> <p>13 A. There may be some instances.</p> <p>14 Q. Getting back to the casual list and</p> <p>15 casuals in general, are casuals employees of</p> <p>16 the Post?</p> <p>17 A. When they are hired, they fall</p> <p>18 underneath the guidelines of the New York</p> <p>19 Post policies and procedures.</p> <p>20 Q. Are they employees?</p> <p>21 A. They're substitutes who fill in for</p> <p>22 the -- they fill the void for the collective</p> <p>23 bargaining agreement, you know, holes</p> <p>24 (indicating), that they would fall underneath</p> <p>25 the jurisdiction of the union's jurisdiction</p>

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<p>1 Walsh</p> <p>2 and company's guidelines. You know, you're a</p> <p>3 guest, but you have to follow the rules like</p> <p>4 everybody else. That goes for both sides.</p> <p>5 Q. What do you mean "both sides"?</p> <p>6 A. Well, you've got the union and</p> <p>7 you're going to do what the union's policies</p> <p>8 and procedures are as far as work,</p> <p>9 jurisdictions with their job, and also you're</p> <p>10 hired here tonight as a sub, casual or</p> <p>11 whatever, and you've got to follow within the</p> <p>12 office rules, guidelines.</p> <p>13 Q. How did the various or -- I would</p> <p>14 probably assume, the pressmen's collective</p> <p>15 bargaining agreement with the Post, how does</p> <p>16 that influence a casual's position at all, if</p> <p>17 any?</p> <p>18 MS. GOLDSMITH: Objection.</p> <p>19 A. I don't understand.</p> <p>20 Q. You said that a casual would fall</p> <p>21 under the jurisdiction of the Post's policies</p> <p>22 and procedures, as well as the union CBA.</p> <p>23 How is that?</p> <p>24 A. Journeymen's work is journeymen's</p> <p>25 work. Boys' work is boys' work. I wouldn't</p>	<p>1 Walsh</p> <p>2 union members, right?</p> <p>3 A. Right.</p> <p>4 Q. Now, after you sent Miss Lee</p> <p>5 Plaintiff's number 1, did you have any</p> <p>6 subsequent conversation with her regarding</p> <p>7 her attempt to gain the necessary shifts or</p> <p>8 work the necessary shifts so that she could</p> <p>9 one day become a member of the pressmen's</p> <p>10 union?</p> <p>11 A. No.</p> <p>12 Q. Do you recall ever having a</p> <p>13 conversation with Miss Lee regarding a</p> <p>14 vacation request that she made to you?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall when that was?</p> <p>17 A. No.</p> <p>18 Q. Do you recall what the sum and</p> <p>19 substance of that conversation was?</p> <p>20 A. No.</p> <p>21 Q. Was it more than one conversation?</p> <p>22 A. It was one conversation.</p> <p>23 Q. One single conversation?</p> <p>24 A. Yes.</p> <p>25 Q. And you don't recall what was</p>
99	101
<p>1 Walsh</p> <p>2 ask a journeyman on or a flyboy to fix a</p> <p>3 lightbulb because that the electrical union,</p> <p>4 and we would be walking around with candles.</p> <p>5 I wouldn't ask them to fix a mechanical on a</p> <p>6 particular piece equipment if it's the</p> <p>7 machinist's jurisdiction. I also wouldn't</p> <p>8 ask them to go out to the truck and start</p> <p>9 loading bundle of papers to the truck because</p> <p>10 that's within the delivery jurisdiction.</p> <p>11 When they're within the box of the press</p> <p>12 room, they'll do what they're required to do</p> <p>13 within the press room's jurisdiction.</p> <p>14 Q. But the casuals aren't a</p> <p>15 represented party in the collective</p> <p>16 bargaining agreement between the Post and the</p> <p>17 union, correct?</p> <p>18 A. They're hired in spot and in the</p> <p>19 same spot as a junior who is not there. So</p> <p>20 they're filling the void as -- you know, the</p> <p>21 casual is filling where the junior would not</p> <p>22 be there.</p> <p>23 Q. But a casual is not protected by</p> <p>24 rights that are contained in the collective</p> <p>25 bargaining agreement because they're not</p>	<p>1 Walsh</p> <p>2 discussed but it had something to do with a</p> <p>3 vacation?</p> <p>4 A. Yes.</p> <p>5 Q. Where did that discussion take</p> <p>6 place?</p> <p>7 A. In my office.</p> <p>8 Q. And where is that in relation to</p> <p>9 the press room?</p> <p>10 A. I'm right there.</p> <p>11 Q. On the first floor?</p> <p>12 A. I-M, yes.</p> <p>13 Q. One?</p> <p>14 A. Yes, one.</p> <p>15 Q. How did it come to be that Miss Lee</p> <p>16 brought the subject up to you?</p> <p>17 A. She asked if she could have some</p> <p>18 time off.</p> <p>19 Q. Did she walk into your office?</p> <p>20 A. She was at my door.</p> <p>21 Q. She requested time off?</p> <p>22 A. Yes.</p> <p>23 Q. Did she do it verbally or in</p> <p>24 writing?</p> <p>25 A. Verbally.</p>

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1 Walsh
2 to the hiring of what they call offlist --
3 MS. GOLDSMITH: Objection.
4 Q. -- potential workers?
5 A. No.
6 Q. Do you know who Eric Abraham is?
7 A. No.
8 Q. I want to direct your attention
9 back to the year 2004, before Miss Lee was
10 sent your letter advising her that she was
11 going to be placed on the casual list. Do
12 you recall having a conversation with her
13 regarding whether or not she could work in
14 two departments at the Post?
15 A. Yes.
16 Q. And do you recall the sum and
17 substance of that conversation?
18 A. I knew she worked in the mailroom.
19 Q. But do you recall what the
20 conversation was -- what it pertained to?
21 A. No.
22 Q. But it regarded the fact that
23 Miss Lee was at that time working as needed
24 in the press room and also in the mailroom,
25 correct?

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1 Walsh
2 A. I don't understand the question.
3 Q. In 2004 do you know if Miss Lee was
4 working in the mailroom at the Post?
5 A. What part of 2004?
6 Q. Any part of 2004?
7 A. Yes.
8 Q. And at that time was Miss Lee also
9 shaping in the press room?
10 A. Yes.
11 Q. And you testified previously that
12 Miss Lee and yourself had a conversation
13 regarding her situation, right?
14 A. What situation?
15 Q. The situation, meaning the fact
16 that she was working in both the mailroom and
17 the press room?
18 A. Right.
19 Q. And do you recall the sum and
20 substance of that conversation?
21 A. I don't know the specifics of it.
22 Q. Generally what was the conversation
23 about?
24 A. I don't -- I don't think that I
25 knew Eva Lee worked in the -- I know that Eva

1 Walsh
2 Lee worked in the mailers.
3 Q. M-A-I-L-E-R-S?
4 A. Yes.
5 And she works -- and she is a union
6 member in the mailers' union, and I found out
7 she is a mailer union -- you know, a union --
8 a member in the mailers' union and she
9 started shaping in the pressmen's ranks. I
10 don't believe that she should be shaping in
11 both departments.
12 Q. Why is it that?
13 A. Because she has a union card in the
14 mailers union.
15 Q. Is that the only reason?
16 A. I don't believe that a person with
17 a union card in this industry should hold two
18 union cards in the same craft in the same
19 industry.
20 Q. Why is that?
21 A. Because that's just the way I
22 think.
23 Q. When you say "in the industry," are
24 you referring to the production of
25 newspapers?

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1 Walsh
2 A. The newspaper industry.
3 Q. Isn't it a fact that there are
4 several employees of the Post who are members
5 of more than one union who apparently work at
6 the Post?
7 A. I don't know that.
8 Q. Is there a post policy regarding
9 whether someone can at the same time maintain
10 membership in two separate unions?
11 A. I don't know of a policy.
12 MR. SACK: Let's mark this as
13 Plaintiff's Exhibit 3, please.
14 (Plaintiff's Exhibit 3, one-page
15 document, marked for identification, as
16 of this date.)
17 Q. Let the record reflect the witness
18 has been handed a copy of what has been
19 marked Plaintiff's 3.
20 Sir, I would ask you to take an
21 opportunity to review what has been marked
22 Plaintiff's 3. It's a one-page document.
23 A. Okay.
24 Q. Have you had an opportunity to
25 review the document?

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1 Walsh
2 Q. Can you describe to me what your
3 level of involvement is with the human
4 resources department?
5 **A. Follow-up with workers' comp**
6 **claims, forms, payroll issues, people out**
7 **sick, people want to go out on disability. I**
8 **try to expedite getting forms to the**
9 **employees if they're going out for an**
10 **operation.**
11 Q. Do they ever question you regarding
12 a decision either made by you or by one of
13 your foremen to either hire either a
14 provisional or a casual to fill a shift?
15 **A. No.**
16 Q. When you sent that 2005, letter
17 Plaintiff's 1, to plaintiff, was she required
18 to fill out any paperwork?
19 **A. No.**
20 Q. So she was just put on the list and
21 she's on the list and that's it, right?
22 **A. Yes.**
23 Q. Now, if she was somehow able to
24 meet the shift requirement, whether it was
25 110 shifts, whether it was the new current

1 Walsh
2 MR. LIPPNER: I don't think he
3 understood the question.
4 MR. SACK: Let's take a two-minute
5 recess.
6 (Recess taken.)
7 MR. SACK: I have just a few
8 questions, and then I don't know, if you
9 have any questions planned, but you will
10 have your chance to question.
11 MS. GOLDSMITH: Go ahead.
12 MR. SACK: Thanks.
13 BY MR. SACK:
14 Q. Mr. Walsh, I know you said you
15 didn't read the complaint, but there is an
16 allegation that you denied plaintiff the
17 opportunity to work in October of 2004 when
18 she was a provisional?
19 **A. Yes.**
20 Q. Do you recall that specific
21 incident?
22 **A. Yes.**
23 Q. What do you recall about that
24 incident?
25 **A. I didn't want her working in the**

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1 Walsh
2 shift requirement of 124, what type of
3 paperwork would she be required to fill out
4 to become an employee of the Post?
5 MS. GOLDSMITH: Objection.
6 **A. The basic paperwork that she**
7 **already filled out was identification, you're**
8 **a U.S. citizen, you're 18 years of age, your**
9 **driver's license, social security card, tax**
10 **reasons and 401K, you know, application,**
11 **pension, dues checkoff, things like that.**
12 Q. Why would the plaintiff here fill
13 out those documents?
14 **A. We have an automatic dues deduction**
15 **from our paychecks through the union and the**
16 **finance department with the New York Post.**
17 **As opposed to me mailing a check every week**
18 **or every month, we have it automatically**
19 **deducted from our paycheck.**
20 Q. Are you referring to the pressmen's
21 union?
22 **A. Union dues, yes.**
23 Q. But Miss Lee isn't a member of that
24 union; is that correct, is not?
25 **A. Right.**

1 Walsh
2 **press room.**
3 Q. I am sorry?
4 **A. I don't want her working in the**
5 **press room.**
6 Q. That's what you said to the
7 plaintiff?
8 **A. I don't believe that she should be**
9 **working in two departments because she holds**
10 **a union membership in the mailroom.**
11 Q. Is this what you told the
12 plaintiff?
13 **A. I believe so.**
14 Q. What did she say to you in
15 response?
16 **A. I can't remember.**
17 Q. And your decision was based solely
18 on your personal belief which you've
19 expressed a couple of times today?
20 **A. Yes.**
21 Q. And it has nothing to do with the
22 fact that the plaintiff is a woman?
23 **A. Not at all.**
24 Q. And it has nothing to do with the
25 fact that she is Chinese or of Chinese